

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

EDDIE GUTIERREZ, :  
Petitioner : CIVIL ACTION NO. 3:16-1134  
v. : (JUDGE MANNION)  
SUPERINTENDENT B. SMITH, :  
Respondent :

**ORDER**

In accordance with this Court's memorandum issued this same day, IT  
**IS HEREBY ORDERED THAT:**

1. The petition for writ of habeas corpus (Doc. [1](#)) is **DENIED**.
2. There is no basis for the issuance of a certificate of appealability.  
See [28 U.S.C. §2253\(c\)](#).
3. The Clerk of Court is directed to **CLOSE** this case.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Judge**

**DATED: June 27, 2022**

16-1134-01-ORDER